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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,284	03/25/2004	Eran Werner	U 015104-7	6039
140	7590	09/08/2006	EXAMINER	
LADAS & PARRY 26 WEST 61ST STREET NEW YORK, NY 10023				FERGUSON, LAWRENCE D
ART UNIT		PAPER NUMBER		
1774				

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/809,284	WERNER, ERAN	
	Examiner	Art Unit	
	Lawrence D. Ferguson	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6-12,14-19,21-27,29-36,38-42,44-50 and 52-91 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6-12,14-19,21-27,29-36,38-42,44-50 and 52-91 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment mailed June 13, 2006.

Claims 1, 4, 9, 16, 24, 32, 39, 47 and 85-91 were amended and claims 5, 13, 20, 28, 37, 43 and 51 were cancelled, rendering claims 1-4, 6-12, 14-19, 21-27, 29-36, 38-42, 44-50 and 52-91 pending.

New Matter - 35 U.S.C. 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1-91 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 1, 4, 9, 16, 24, 32, 39, 47, 85, 86, 87, 88, 89, 90 and 91, the phrase, 'prior to pressing of said pre-impregnated material' is not supported by the specification. The Examiner was not able to find support for the added limitation discussed above at the cited portion of the specification (paragraph 38).

Objection

4. Claim 9 is objected to because the limitation of “thickness exceeding 300 microns substrate” lacks clarity. Examiner suggestions deleting the term ‘substrate’ from this phrase as that would be consistent with 86, which has a similar limitation as claim 9. Correction is requested.

Claim Rejections – 35 USC § 103(a)

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4, 6-12, 14-19, 21-27, 29-36, 38-42, 44-50, 52-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S. 2003/0220036).

Lee discloses a pre-impregnated material having a polymer with controlled distribution through the thickness of the sheet (paragraph 0041) where the polymer is used for coating textile substrates (paragraph 97) and where particle resin is adhered to the substrate (paragraph 99 and paragraph 126). Lee further discloses the substrate may be coated using gravure method, which presents a more uniform coating on the substrate (paragraph 0101) where the gravure coater is able to apply a precise coating thickness regardless of variations in the substrate (paragraph 0102). The reference

discloses the films demonstrate substantially uniform thickness, where the film comprises polymer granules (paragraph 0131) and further discloses the applied material is melted, or partially melted, to form a coating film and fuse to the substrate (paragraphs 0128 and 0141). Lee discloses a laminate formed of a plurality of layers comprising at least one other chemically different layer in addition to the coating layer (paragraph 0143). Although Lee does not explicitly teach the applied resin having a variation of less than 5 or 2% of its average thickness or width, it would have been obvious to one of ordinary skill in the art for applied coating to meet this limitation due to Lee teaching the gravure coater is able to apply a precise coating thickness regardless of variations in the substrate and further having a uniform coating on the substrate (paragraphs 0101 and 0102). Because Lee teaches controlling the distribution of the polymer (impregnating) throughout the thickness of the sheet (paragraph 0041) and the thickness of the resin material, which effects the weight of the resin material (paragraph 0102) it also would have been obvious to control the thickness of the coating material (resin) and distribution of the impregnation to a depth of at least 60% or 80%.

The newly amended limitation in claims 1, 4, 9, 16, 24, 32, 39, 47, 85, 86, 87, 88, 89, 90 and 91, "prior to pressing of said pre-impregnated material" introduces a process limitation to the product claim. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966. Further, process limitations are given no patentable weight in product claims.

Response to Arguments

7. Applicant's arguments regarding rejection made under 35 U.S.C. 103(a) as being unpatentable over Neumann (U.S. 4,097,649) are moot based upon grounds of new rejection.

Applicant's arguments regarding rejection made under 35 U.S.C. 103(a) as being unpatentable over Neumann (U.S. 4,097,649) in view of Martin (U.S. 4,836,030) are moot based upon grounds of new rejection.

Rejection made under 35 U.S.C. 103(a) as being unpatentable over Benson et al (U.S. 6,676,882) is withdrawn due Applicant amending the claims to include a particle resin adhered to the textile substrate, where the material has a variation of less than 5% of its average thickness prior to pressing of the pre-impregnated material.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is 571-272-1522. The examiner can normally be reached on Monday through Friday 9:00 AM – 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



L. Ferguson
Patent Examiner
AU 1774



RENA DYE
SUPERVISORY PATENT EXAMINER
A.U. 1774 9/5/07